

page 7-0572

10 APR 1957

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Proposed Regulation on Protection of  
Information Relating to Intelligence  
Sources and Methods

1. This memorandum requests your concurrence on the proposed regulation on protection of information relating to intelligence sources and methods referenced in paragraph 3.

2. The problem of denying information relating to the Agency and its operations when such is demanded under subpoenas by the courts or Congress has been the subject of considerable discussion and study within the Agency. After a careful review of the problem and consideration of historical precedent, I am of the opinion that the Agency and its employees will be in a better position to refuse to reveal information if we have a published regulation prohibiting disclosure. The attached draft has been prepared with this specific problem in mind. It has been reviewed and approved by the Office of Security.

3. It is recommended that after concurrence by the Deputy Directors, the attached proposed regulation on protection of information relating to intelligence sources and methods be published.

5/  
LAWRENCE R. HOUSTON  
General Counsel

Attachment

OGC/JDM:bb

Distribution


Orig. & 1 - Addressee  
1 - OGC Subject ✓  
Signer  
Chrono

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CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP <span style="float: right;">(C7H)</span>			
TO	NAME AND ADDRESS	INITIALS	DATE
1	Director of Security	H. J. 15	14 APR 1957
2	General Counsel		
3			
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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
<b>Remarks:</b>  We have no further suggestions to make regarding this proposed regulation. Since, as you say, this regulation addresses itself to court cases and Congressional Committee hearings particularly, we believe the title as it now stands is informative. To meet the objective, we agree that this regulation should be unclassified, but that it carry the control statement "For Official Use Only".			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Chief, Policy Staff/OS Room A222,			2 April 57
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Here is a redraft of the proposed regulation we discussed yesterday. I think this is a slight improvement and takes care of a couple of minor points you brought up. I am not entirely happy with the title and would welcome suggestions. Expeditionary handling would be appreciated. After getting your "OK" this will be taken directly to the DD/S, DD/I and DD/P for concurrence and then published.

Please bear in mind that the purpose of this regulation is to strengthen our position in regard to court cases and Congressional committee hearings particularly, and that the purpose will be best served by having a short regulation in this form even though closely related material appears elsewhere in Agency regs. It is proposed that this regulation be unclassified.

  
Office of General Counsel

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Next 5 Page(s) In Document Exempt

25X1

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March 1957

25X1

THE NEW YORK TIMES, TUESDAY, MARCH 26, 1957. y 3

## COURT BIDS U. S. NAME INFORMER

Justices Hold Privilege of  
Secrecy Must Give Way  
in Narcotics Trial

Special to The New York Times.

WASHINGTON, March 25—The Supreme Court ruled today that Albert Roviato had a right to know the identity of "John Doe," a police informer who helped convict him of violating the Federal narcotics laws.

The 6-to-1 decision did not establish a fixed rule regarding disclosure of the testimony of secret informers in criminal cases. However, Justice Harold H. Burton, for the majority, held that, in a case where an informer's identity was relevant and helpful to the accused in preparing his defense, the Government had no right to withhold it.

Roviato was convicted on two counts charging that on Aug. 12, 1954, in Chicago, he sold heroin to "John Doe." He was sentenced to two years in prison and fined \$10.

"John Doe" had driven an automobile to a rendezvous and picked up Roviato. A policeman was concealed in the trunk of the auto.

When the car arrived at a designated spot, Roviato left it, walked a short distance to a tree, picked up a package, brought it back and placed it on the seat of the car. Roviato walked away but was arrested subsequently after the police found a package in the car containing heroin.

In appealing his conviction, Roviato contended that "John Doe" was an active participant in the illegal activity and that the trial court had erred in refusing a defense request for his name, address and occupation. The Government argued that "John Doe" was an informer and that his identity was privileged.

Justice Burton said that "where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way."

He said that in three recent cases the courts had denied the "Government's right to withhold the identity of an informer who helped set up the commission of a crime and who was present at its occurrence."

Justice Burton was joined by Chief Justice Earl Warren and Justices Felix Frankfurter, William O. Douglas, John M. Harlan and William J. Brennan Jr. Justice Hugo L. Black did not participate, nor did Justice Charles E. Whittaker, who was sworn in only today.

Justice Tom C. Clark dissented. He said that the majority ruling would have a "destructive effect" upon the enforcement of the narcotics laws.

Enforcement of the laws is difficult without the use of "stool pigeons" and the policy of nondisclosure of their identities long has been followed, Justice Clark said.

"Experience teaches that once this policy is relaxed, its effectiveness is destroyed," he added.